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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,137	02/16/2005	Dirk Herbert Johan Teeuw	NL 020765	1790
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EXAMINER				
DEFRANK, JOSEPH S				
ART UNIT		PAPER NUMBER		
4175				
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12/20/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,137

Applicant(s)

TEEUW ET AL.

Examiner

JOSEPH DEFRANK

Art Unit

4175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 9-6-05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be **material to patentability** as defined in 37 CFR 1.56.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that **the abstract not exceed 150 words in length** since the space provided for the abstract on the computer tape used by the printer is limited. The form and **legal phraseology** often used in patent claims, such as "means" and "said," **should be avoided**. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract is objected to because it is too long and contains legal phraseology (comprises).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sastri (US Patent 3,835,537) in view of Wong et al. (US Patent 5,776,615 as cited in IDS).

8. With respect to claims 1 and 2, Sastri discloses a cutting member (razor blade 20) having a metal substrate which is provided with a cutting edge (tapered portion shown in figure 2), at least a portion of the substrate including the cutting edge being provided with a coating (outer chromium coating 36, see column 5 lines 46-49), the coating is layered on the substrate in multiple coats as shown in figure 4. Sastri does not disclose the coating comprising carbon, characterized in that the coating comprises a plurality of stacked pairs of layers, each pair comprising a first layer mainly comprising carbon and a second layer mainly comprising a metal, and each pair having a thickness between 1 and 10 nm.

Wong et al. discloses a process for making superhard composite materials out of carbon and metal alternating layers for use in cutting devices. "The composite material may comprise a plurality of alternating layers comprising the carbon nitrogen compound each deposited on a respective layer of metal or metal compound to form a multi-layered, superlattice coating wherein each layer is ion bombardment densified during deposition and each layer has a thickness in the range of about 0.5 nm to about 100 nm (nanometer). Such a coating exhibits a hardness substantially exceeding (e.g. 2 times) the hardness of each individual layer in homogenous form" (column 4 lines 4-12). Wont et al. also discloses that chromium is an acceptable metal to use as it falls within group VI of the periodic table of elements (see column 3 line 60). In the setup disclosed by Wong et al, the metal/carbon pair of a layer has a thickness from 1-200nm, which overlaps sufficiently with the range 1-10nm. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the solely

Art Unit: 3721

chromium layers of Sastri with an alternating carbon nitrogen and chromium layered pair setup in view of the teachings of Wong et al. in order to create a harder cutting surface.

9. With respect to claim 3, Wong et al. discloses using the metal layer having a thickness ranging from 0.5 to 100 nm. 1.6 to 2.0 nm is fully encompassed by this range.

10. With respect to claims 6 and 7, Sastri in view of Wong et al. discloses that the total thickness of material added to the substrate by layering has a thickness of at least 400 Angstroms (40 nm; abstract of Sastri). No specific size of the total layer is given. However, It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide enough layered pairs so that the thickness of the coating was in the range of 80 - 120 nm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

11. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sastri (US Patent 3,835,537) in view of Wong et al. (US Patent 5,776,615 as cited in IDS) as applied to claim 1 above, and further in view of Sanderson (US Patent 3,838,512).

Sastri in view of Wong et al. does not disclose a layer of Cr and a layer of CrN between the substrate and the layered pairs. Sanderson discloses a razor blade having a first layer of chromium to provided added strength and a second layer of a chromium based nitride which acts as better substrate for adhesion to following layers (column 7 lines 13-24). It would have been obvious to a person of ordinary skill in the art at the

time the invention was made to provide a layer of chromium followed by a layer of chromium nitride before the stacked pairs of Sastri in view of Wong et al. based on the teachings of Sanderson in order to provide a stronger razor that is a better substrate for adhesion of a following layer.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sastri (US Patent 3,835,537) in view of Wong et al. (US Patent 5,776,615 as cited in IDS) as applied to claim 1 above, and further in view of Grewal et al. (US Patent 5,142,785).

Sastri in view of Wong et al. does not disclose the blade of claim 1 being mounted in any sort of tool for shaving hair. Examiner notes that hand held razors are very common and well known in the art. The use of coated blades in the heads of these razors is also very well known in the art. Grewal et al. discloses mounting a coated razor blade in a shaver head (as shown in figure 1). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to mount the blade of Sastri in view of Wong et al. in a shaving apparatus in order to cut hair.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Sastri, Hahn et al., Goel et al., Stroundl et al., and Yamada et al. are noted as being considered pertinent to the applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH DEFRANK whose telephone number is

Art Unit: 3721

(571)270-3512. The examiner can normally be reached on Monday - Thursday; 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on (571) 272-1280. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph De Frank
Examiner
Art Unit 4175

JD
12-18-07
/J. D./
Examiner, Art Unit 4175

/Brian D Nash/
Primary Examiner, Art Unit 3721